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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANT:** Bernhard Albicker      **GROUP:** 2685**SERIAL NO:** 09/758,552      **EXAMINER:** Sonny Trinh**FILED:** January 11, 2001**FOR:** APPARATUS AND METHOD FOR  
AUTOMATICALLY FINDING A RADIO PROGRAM [as amended]

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RENEWED PETITION UNDER 37 C.F.R. §1.137(b)**

The undersigned requests revival of the above identified unintentionally abandoned application.

On May 30, 2006, the undersigned submitted a Petition Under 37 C.F.R. §1.137(b) along with a Rescission of Previous Nonpublication Request, copies of which are enclosed. On November 30, 2006, the petition was dismissed for allegedly not providing notice as to the filing date of the foreign application. However, it was stated in the Petition that the filing date of the foreign application was October 13, 1999.

The applicant hereby requests revival of the present application. The entire delay in filing the Rescission of Nonpublication Request was unintentional.

Revival of this unintentionally abandoned application is respectfully requested.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited on the date below with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Sarah L. Henry*  
Sarah L. Henry  
12/6/06  
Date

A check in the amount of \$1,500 was submitted with the original Petition on May 30, 2006.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,



Patrick J. O'Shea  
Reg. No. 35,305  
O'Shea, Getz & Kosakowski, P.C.  
1500 Main Street, Suite 912  
Springfield, MA 01115  
(413) 731-3100, Ext. 102

**RESCISSON OF PREVIOUS NONPUBLICATION REQUEST**

(35 U.S.C. 122(b)(2)(B)(ii))

AND, IF APPLICABLE,

**NOTICE OF FOREIGN FILING**

(35 U.S.C. 122(b)(2)(B)(iii))

Send completed form to:

Mail Stop PG Pub  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX: (571) 273-8300



Application Number	09/758,552
Filing Date	January 11, 2001
First Named Inventor	Bernhard Albicker
Title	APPARATUS AND METHOD FOR AUTOMATICALLY FINDING A RADIO PROGRAM
Atty Docket Number	Harman 6030
Art Unit	2687
Examiner	Sonny Trinh

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

*If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).*

Signature

Date

Patrick J. O'Shea

35,305

Typed or printed name

Registration Number, if applicable

413-731-3100, x102

Telephone Number

**This request must be signed in compliance with 37 CFR 1.33(b).**

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703)605-4283 or by e-mail at PGPub@USPTO.gov.

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature

Name (Print/Type)

Date

5/30/06

This collection of information is required by 37 CFR 1.213(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Bernhard Albicker      **GROUP:** 2685  
**SERIAL NO:** 09/758,552      **EXAMINER:** Sonny Trinh  
**FILED:** January 11, 2001  
**FOR:** APPARATUS AND METHOD FOR  
AUTOMATICALLY FINDING A RADIO PROGRAM [as amended]

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO REVIVE UNDER 37 C.F.R. §1.137(b)**

The undersigned requests revival of the above identified unintentionally abandoned application.

When the application was filed on January 11, 2001 the undersigned submitted a non-publication request with the above identified application.

While reviewing the application today in response to a telephone call with Examiner Trinh of the USPTO regarding claim dependencies, the undersigned noticed that the application had been filed with a signed non-publication request. However, there is a related German application that has been published. The related German application, DE 199 49 250 was filed on October 13, 1999. Although the present application does not claim priority to German application DE 199 49 250, the invention described in DE 199 49 250 appears to be similar to the invention of the present

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Sarah L. Henry  
Sarah L. Henry

application. Therefore, there was indeed an application pending in another country that requires publication at eighteen months after filing, contrary to the signed statement in the non-publication request filed with the above identified application. Accordingly, the undersigned understands that the present application may be considered abandoned under 35 U.S.C. §113(c).

The applicant hereby requests revival of the present application, if indeed considered abandoned, since the present application may be deemed abandoned under 35 U.S.C. §113(c) since the non-publication request was filed with the present application. The entire delay in filing a response to the possible latent abandonment of this application has been unintentional.

Revival of this unintentionally abandoned application (if deemed abandoned per 35 U.S.C. §113(c)) is respectfully requested.

A check in the amount of \$1,500 is enclosed herewith along with a Rescission of Previous Nonpublication Request

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,



Patrick J. O'Shea  
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